

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Roy Den Hollander,

Plaintiff on behalf of himself
and all others similarly situated,

Docket No. 07 CV 5873 (MGC)
ECF

-against-

NOTICE OF CROSS MOTIONS

Copacabana Nightclub,
China Club,
A.E.R. Nightclub,
Lotus,
Sol, and
Jane Doe Promoters,

Defendants.

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PLEASE TAKE NOTICE, that upon this notice of cross motions, attached declaration of Roy Den Hollander, Esq. (the named plaintiff for the putative plaintiff class and tentative class counsel in this civil rights, 42 U.S.C. § 1983, class action), and attached memorandum of law, the named plaintiff moves this Court before Judge Miriam G. Cedarbaum on January 10, 2008, at 9:30 AM at the U.S. District Court, Southern District of New York, U.S. Courthouse, Courtroom 14A, 500 Pearl Street, New York, N.Y. for four orders:

1. Strike from the record with prejudice the defendants' motion papers as specified in the accompanying declaration because the defendants filed them after the Court's deadlines.
2. Deny the motions to dismiss by defendant Sol (represented by attorney Grossman) and defendant A.E.R. Lounge (represented by attorney Elliott) for failing to file a memorandum of law with their Supplemental Affirmations or, in the alternative, strike their Supplemental Affirmations with prejudice for improperly mixing fact statements with legal arguments.

3. Strike from Lotus' Supplemental Memorandum of Law (represented by attorney Donovan) alleged points of law for which she fails to cite legal authorities.

4. Instruct attorney Donovan to disclose how and when she acquired the copyrighted essays that she published, copied, distributed, and displayed by adding them to the public records of this Court as part of her answer to the motion for recusal; and, instruct her to provide a list of all the persons to whom and when she provided the essays.

Dated: New York, NY
December 28, 2007

/S/

Roy Den Hollander (RDH 1957)
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